

**REMARKS**

Claims 1-8 and 10-43 are pending in the application, wherein claim 43 is newly added. Claim 9 was previously canceled.

Applicant notes that the Office Action dated February 5, 2004 indicated that copies of information disclosure statements were enclosed. However, the mentioned information disclosure statements were not included. Therefore, Applicant requests that Examiner provide copies of the information disclosure statements, submitted June 21, 2001 and June 4, 2003, showing consideration of the references listed therein.

Claims 1, 22, 28-31, 38 and 39 were amended to correct claim language.

On page 2 of the Office Action, claims 1-3, 5-8, 14, 15, 17-19, 22 and 30-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,239,806 to Nishiumi et al., hereinafter "Nishiumi". Applicant respectfully traverses this rejection.

Independent claim 1 provides a method of selecting an object by controlling movement of a focus on a graphical display using an input device having a dual-state button for moving the focus in a given direction. The method includes receiving a signal from the dual-state button, providing, in response to receiving said signal, predefined acceleration data for accelerating the focus in the given direction, determining a position of the focus on the graphical display as a function of the acceleration data, and displaying the focus at the position.

Nishiumi discloses an image processing system having an operating device that includes "an operating member having a base end rotatably supported and a free end operable by an operator, so that the image data is varied in accordance with movement of the operating member" (col. 2, lines 3-11). An example of the operating device is an analog joystick (col. 2, lines 27-31). The "operation of one operating device such as an

analog joystick provides control of the moving direction and the moving amount (moving speed) of the object” (col. 3, lines 1-4).

Nishiumi discloses a system having an operating member such as a **joystick** that moves an object based on an inclination of the operating member, but fails to disclose an input device having a **dual-state button** for moving a focus. Therefore, Nishiumi fails to disclose “an input device having a dual-state button for moving the focus in a given direction,” or “receiving a signal from said dual-state button”, as recited in claim 1.

Thus, Nishiumi fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is not anticipated by Nishiumi.

Independent claim 22 provides a computer program to be loaded on data processing apparatus to select an object by controlling movement of a focus on a graphical display using an input device having a dual-state button for moving the focus in a given direction. The computer program includes program instructions such that the data processing device receives a signal from the dual-state button, and program instructions for providing, in response to receiving the signal, predefined acceleration data for accelerating the focus in the given direction.

As described in the discussion of claim 1, Nishiumi fails to disclose an input device having a dual-state button for moving a focus. Thus, Nishiumi fails to disclose “an input device having a dual-state button for moving the focus in a given direction,” or “program instructions such that the data processing device receives a signal from said dual-state button”, as recited in claim 22.

Thus, Nishiumi fails to disclose or suggest the elements of claim 22. Therefore, claim 22 is not anticipated by Nishiumi.

Claims 2, 3, 5-8, 14, 15, 17-19 and 30-39 depend from claim 1. For at least the reasons provided in support of claim 1, claims 2, 3, 5-8, 14, 15, 17-19 and 30-39 are

also not anticipated by Nishiumi.

For the reasons set forth above, the rejection of claims 1-3, 5-8, 14, 15, 17-19, 22 and 30-39 under 35 U.S.C. 102(b) as being anticipated by Nishiumi is overcome. Applicant respectfully requests that the rejection of claims 1-3, 5-8, 14, 15, 17-19, 22 and 30-39 be reconsidered and withdrawn.

On page 7 of the Office Action, claims 23-27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,323,884 by Bird et al., hereinafter "Bird". Applicant respectfully traverses this rejection.

Independent claim 23 provides a method of selecting one of a plurality of objects on a graphical display using a focus. The method includes receiving a signal to move the focus, determining a direction of motion of the focus, determining, in dependence upon the direction of motion, which one of said plurality of objects is the intended destination of the focus, and highlighting the one object for selection.

Bird discloses a mechanism for assisting a graphical user interface (GUI) user with the task of selecting a GUI object (col. 2, lines 24-25). The mechanism is specifically useful in conjunction with eye-tracking mechanisms and devices with small display areas such as PDAs (col. 4, lines 20-22). The mechanism is described as being useful where it may "be difficult to make a positive selection of a specific button with any continuous positioning mechanism that is fully controlled by the user (i.e. devices such as a mouse 60, IBM Corporation's Trackpoint<sup>TM</sup> input device or a light pen, as distinct from discrete selection using tab keys)" (col. 4, lines 37-43). The mechanism compares a predefined set of characteristics for identified GUI elements to predict which of those GUI elements will be the next element that the user will interact with, and visually indicates the result of the prediction (col. 2, lines 26-33). The characteristics may include a determination of whether the identified GUI elements are within a user indicated region of the GUI, the user indication including an initial user-controlled movement of a selection pointer and a vector representing the direction of movement

and starting position of the pointer (col. 2, lines 56-62). In one example, after the software predicts which GUI will be selected, the software “moves a selection pointer into the area of the GUI of the selected button (if the selection mechanism uses a pointer) or adds emphasis such as a highlight colour or animation of the selected button” (col. 12-17).

Although Bird discloses automatically moving a selection pointer in response to a user indication, Bird does not disclose highlighting an object for selection in dependence on determining a direction of motion of a focus. Bird only discloses adding emphasis such as a highlight color in those cases where the selection mechanism does not use a pointer, as provided in the following passage at column 3, lines 13-21:

“The software then moves a selection pointer into the area of the GUI of the selected button (if the selection mechanism uses a pointer) or adds emphasis such as a highlight colour or animation of the selected button. There may be no input pointer if the selection mechanism is eye tracking. This movement of a pointer or addition of emphasis to a selectable GUI element does not force the user to take that option, it merely assists them with the positioning task.” (emphasis added)

Bird discloses adding emphasis to a selected button only if the mechanism does not utilize a pointer. The button is highlighted because of an absence of a pointer. Thus, if the selection mechanism does not use a pointer, then the button may be highlighted. Therefore, Bird does not disclose a method that includes both “using a focus” and “highlighting said one object for selection” as recited in claim 23.

Thus, Bird fails to disclose or suggest the elements of claim 23. Therefore, claim 23 is not anticipated by Bird.

Claims 24-26 depend from claim 23. For at least the reasoning provided in support of claim 23, claims 24-26 are also not anticipated by Bird.

Independent claim 27 recites features similar to those recited in claim 23. Therefore, for at least reasoning similar to that provided in support of claim 23, claim 27

is not anticipated by Bird.

Independent claim 29 provides a method of controlling movement of an object on a graphical display using an input device having a dual-state button for moving the focus in a given direction. The method includes receiving a signal from the dual-state button, providing, in response to receiving said signal, acceleration data for accelerating the focus in the given direction, determining a position of the object on the graphical display as a function of the data, and displaying the object at said position.

As mentioned above in the discussion of claim 23, Bird discloses a method for use with an eye-tracking mechanism or a continuous positioning mechanism such as a mouse or a light pen. Bird fails to disclose a method using an input device having a **dual-state button for moving a focus**. Therefore, Bird fails to disclose “an input device having a dual-state button for moving the focus in a given direction,” or “receiving a signal from said dual-state button”, as recited in claim 23. Consequently, Bird does not anticipate claim 29.

For the reasons set forth above, the rejection of claims 23-27 and 29 under 35 U.S.C. 102(e) as being anticipated by Bird is overcome. Applicant respectfully requests that the rejection of claims 23-27 and 29 be reconsidered and withdrawn.

On page 8 of the Office Action, claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiumi. Applicant respectfully traverses this rejection.

Claims 16 and 20 depend from claim 1. As explained above in the discussion of claim 1, Nishiumi fails to disclose “an input device having a **dual-state button** for moving the focus in a given direction,” or “receiving a signal from said dual-state button”, as recited in claim 1. Thus, Nishiumi fails to disclose or suggest the elements of claim 1.

Claims 16 and 20 depend from claim 1. Thus claim 1, and claims 16 and 20 for at least the reasoning provided in support of claim 1, are all patentable over Nishiumi.

For the reasons set forth above, the rejection of claims 16 and 20 under 35 U.S.C. 103(a) as being unpatentable over Nishiumi is overcome. Applicant respectfully requests that the rejection of claims 16 and 20 be reconsidered and withdrawn.

On page 9 of the Office Action, claims 4, 28, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of Bird. Applicant respectfully traverses this rejection.

Claims 4, 40 and 41 depend from claim 1. As explained above in the discussion of claim 1, Nishiumi fails to disclose "an input device having a dual-state button for moving the focus in a given direction," or "receiving a signal from said dual-state button", as recited in claim 1. Thus, Nishiumi fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over Nishiumi.

As described above in the discussion of claim 29, Bird fails to disclose a method using an input device having a **dual-state button for moving a focus**. Therefore, Bird fails to disclose "an input device having a dual-state button for moving the focus in a given direction," or "receiving a signal from said dual-state button", as recited in claim 1.

Therefore, neither Nishiumi nor Bird disclose an input device having a dual-state button for moving the focus in a given direction or receiving a signal from the dual-state button. Thus, Nishiumi and Bird, whether considered independently or in combination with one another, fail to disclose or suggest the elements of claim 1. Consequently, claim 1 is patentable over the cited combination of Nishiumi and Bird.

Claims 4, 40 and 41 depend from claim 1. Thus claim 1, and claims 4, 40 and 41 for at least the reasoning provided in support of claim 1, are all patentable over the cited combination of Nishiumi and Bird.

Independent claim 28 provides a method of selecting one of a plurality of objects on a graphical display using a focus. The method includes receiving a signal from an input device having a dual-state button for moving the focus in a given direction, providing, in response to receiving said signal, predefined acceleration data for accelerating said focus in said given direction, and determining a position of the focus on the graphical display as a function of the data.

As described above in the discussion of claims 1, 4, 40 and 41, neither Nishiumi nor Bird disclose an input device having a **dual-state button for moving a focus** in a given direction or receiving a signal from the dual-state button. Therefore, Nishiumi and Bird, whether considered independently or in combination with one another, fail to disclose or suggest the elements of claim 28. Therefore, claim 28 is patentable over the cited combination of Nishiumi and Bird.

For the reasons set forth above, it is submitted that the rejection of claims 4, 28, 40 and 41 under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of Bird is overcome. Applicant respectfully requests that the rejection of claims 4, 28, 40 and 41 be withdrawn.

On page 11 of the Office Action, claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of U.S. Patent No. 5,874,941 to Yamada, hereinafter "Yamada". Applicant respectfully traverses this rejection.

Claims 10-13 depend from claim 1. As described above in the discussion of claim 1, Nishiumi fails to disclose "an input device having a dual-state button for moving the focus in a given direction," or "receiving a signal from said dual-state button", as recited in claim 1

Yamada discloses a presentation supporting device for moving a cursor in a desired position on a display and adapting to a presentation in a multimedia

environment using a computer (col. 2, lines 39-44). The device, referred to as a "pointer", includes first and second accelerometers and a pair of signal processors (col. 4, lines 33-37).

Yamada discloses a pointer for use in controlling a cursor on a display, but does not disclose an input device having a **dual-state button for moving a focus**. Therefore, Yamada fails to disclose "an input device having a dual-state button for moving the focus in a given direction," or "receiving a signal from said dual-state button", as recited in claim 1.

Neither Nishiumi nor Yamada disclose an input device having a dual-state button for moving the focus in a given direction or receiving a signal from the dual-state button. Therefore, Nishiumi and Yamada, whether considered independently or in combination with one another, fail to disclose or suggest the elements of claim 1.

Claims 10-13 depend from claim 1. Thus claim 1, and claims 10-13 for at least the reasoning provided in support of claim 1, are all patentable over the cited combination of Nishiumi and Yamada.

For the reasons set forth above, the rejection of claims 10-13 under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of Yamada is overcome. Applicant respectfully requests that the rejection of claims 10-13 be reconsidered and withdrawn.

On page 12 of the Office Action, claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of Bird, and further in view of U.S. Patent No. 5,764,219 to Rutledge et al., hereinafter "Rutledge". Applicant respectfully traverses this rejection.

Claim 42 depends from claim 1. As explained above in the discussion of claims 10-13, Nishiumi and Bird, whether considered independently or in combination with one another, fail to disclose or suggest the elements of claim 1.



Rutledge discloses a controller for relating a force applied to a pointing device, such as a joystick, to a velocity of a cursor on a video screen (col. 1, lines 11-14). Rutledge also provides for simultaneous use of a joystick and a mouse (col. 4, lines 61-63).

Rutledge discloses the use of a joystick and/or a mouse, but does not disclose an input device having a **dual-state button for moving a focus**. Therefore, Rutledge fails to disclose "an input device having a dual-state button for moving the focus in a given direction," or "receiving a signal from said dual-state button", as recited in claim 1.

Thus, neither Nishiumi, Bird, nor Rutledge disclose an input device having a dual-state button for moving the focus in a given direction or receiving a signal from the dual-state button. Therefore, Nishiumi, Bird and Rutledge, whether considered independently or in combination with one another, fail to disclose or suggest the elements of claim 1.

Claim 42 depends from claim 1. Thus claim 1, and claim 42 for at least the reasoning provided in support of claim 1, are patentable over the cited combination of Nishiumi, Bird and Rutledge.

For the reasons set forth above, the rejection of claim 42 under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of Yamada and in view of Rutledge is overcome. Applicant respectfully requests that the rejection of claim 42 be reconsidered and withdrawn.

On page 13 of the Office Action, claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of U.S. Patent No. 5,953,657 by Ghisler, hereinafter "Ghisler". Applicant respectfully traverses this rejection.

Claim 21 depends from claim 1. As explained above in the discussion of claim 1,

Nishiumi fails to disclose "an input device having a dual-state button for moving the focus in a given direction," or "receiving a signal from said dual-state button", as recited in claim 1

Ghisler discloses a communication device such as a mobile radio terminal or a wire-bound telephone (col. 15, line 56-59). The communication device includes a cursor control that allows cursor movement or scrolling (col. 15, lines 65-67). A keypad includes keys for dialing and selection purposes (col. 16, lines 27-32).

Ghisler discloses a keypad having cursor control, but does not disclose an input device having a **dual-state button for moving a focus**. Therefore, Ghisler fails to disclose "an input device having a dual-state button for moving the focus in a given direction," or "receiving a signal from said dual-state button", as recited in claim 1.

Thus, neither Nishiumi nor Ghisler disclose an input device having a dual-state button for moving the focus in a given direction or receiving a signal from the dual-state button. Therefore, Nishiumi and Ghisler, whether considered independently or in combination with one another, fail to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over the cited combination of Nishiumi and Ghisler.

Claim 21 depends from claim 1. Thus claim 1, and claim 21 for at least the reasoning provided in support of claim 1, are patentable over the cited combination of Nishiumi and Ghisler.

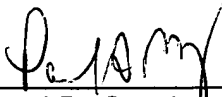
For the reasons set forth above, the rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Nishiumi in view of Ghisler is overcome. Applicant respectfully requests that the rejection of claim 21 be reconsidered and withdrawn.

Applicant added claim 43 to even further provide the claim coverage that Applicant appears to deserve based on the prior art that was cited by the Examiner. A favorable consideration that also results in the allowance of claim 43 is earnestly solicited.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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